

Docket Number: 10991902-3
Application No. 10/649,564
Response After Final

REMARKS

Claims 41 – 45 are in the application. Reconsideration is respectfully requested.

Rejections Under 35 USC §102

All of the claims 41 – 45 were deemed to be anticipated by Kikuchi, US Patent No. 4,657,415.

In the latest office action (the paragraph bridging pages 2 and 3) Kikuchi is said to disclose a structure and operation matching the last step of claim 41. Specifically, the office action states that Kikuchi discloses:

“rotating the carriage (14) about the rod (15) with the carriage (14) remaining at the latching location (A) to make the latch member (17, 18, 21, 22) engage the first chassis part (32... .” (emphasis added)

Applicant submits, however, that this is not what Kikuchi discloses. Applicant also notes that, in the response to the arguments made in the last-filed amendment, the Examiner asserts that the latching location is not a single location “A” in Kikuchi. Rather, the entire region between “A” and the limiter 27 in Kikuchi is considered to be the latching location.

Irrespective of the extent of the latching location identified in Kikuchi, applicant notes that the method carried out in claim 41 does not occur in Kikuchi.

Specifically, claim 41 calls for rotating the carriage about the rod to make the latch member engage the first chassis part.

In Kikuchi, the carriage is not rotated about the rod to make the latch member engage the chassis part. Rather, the carriage is slid along (translated; not rotated) the guide shaft to make the latch member engage the first chassis part.

The failure of Kikuchi to disclose the rotating step (that is, rotating the carriage to make the latch member engage the chassis part) reflects the significant difference in the approach taken by Kikuchi for changing printhead-to-media spacing.

In short, Kikuchi does not anticipate at least the last step of claim 41.

The MPEP makes it clear that “to anticipate a claim, the reference must teach every element of the claim.” (MPEP § 2131). Quoting Federal Circuit Court opinions, the MPEP continues:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir.

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1987). ... "The identical invention must be shown in as complete detail as is contained in the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Since Kikuchi fails to teach or suggest all of the claimed steps, as discussed above, Kikuchi does not properly anticipate claims 41. Accordingly, claim 41 and the claims depending therefrom are patentable over Kikuchi.

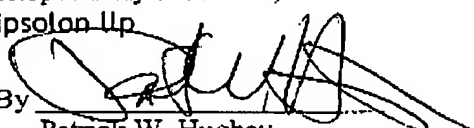
Claim 44 calls for rotating the carriage about the rod, and locating the latch mechanism so that movement of the latch mechanism into a latched position occurs as a result of the carriage rotation.

In Kikuchi, the latch mechanism is not located so that movement of the latch mechanism into a latched position occurs as a result of the carriage rotation. Accordingly, claim 44 and the claim depending therefrom are not anticipated by Kikuchi.

Conclusion

In view of the foregoing, applicant believes that all of the currently pending claims are in condition for allowance, and an early notification to that effect is respectfully requested. If the Examiner has any questions, he is invited to contact applicant's attorney at the below-listed telephone number.

Respectfully submitted,
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